

**ADAMS ACRES IV (ADAMS)  
FIVE-LOT MINOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** John Lavey *SL*

**REVIEWED/  
APPROVED BY:** Renee Lemon

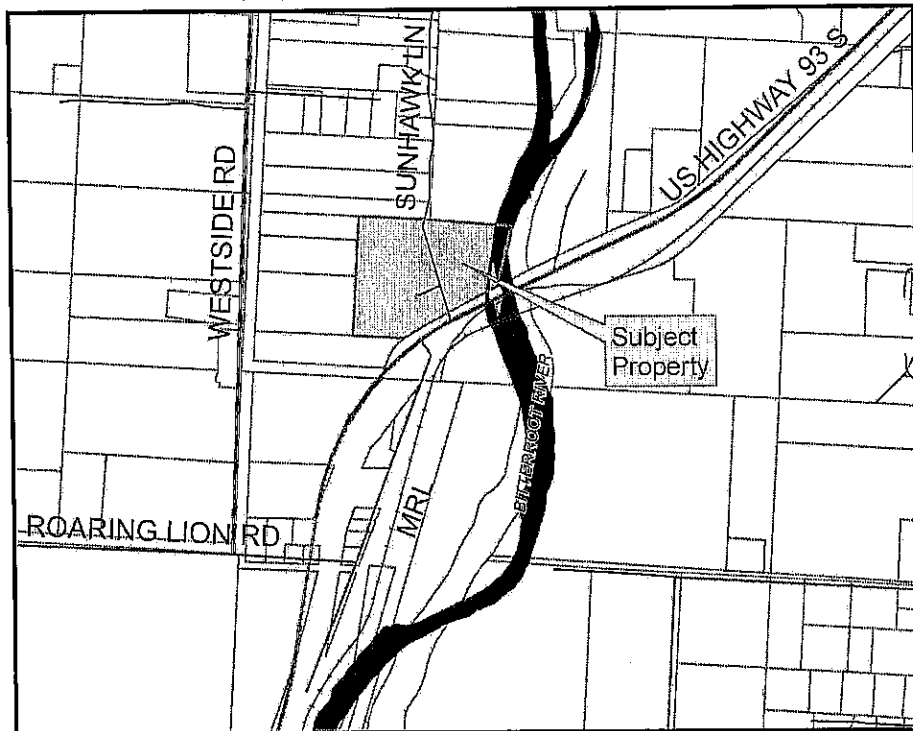
**PUBLIC HEARINGS/  
MEETINGS:** BCC Public Meeting: 9:00 a.m. March 6, 2008  
Deadline for BCC action (35 working days): March 19, 2008

**SUBDIVIDER:** Jack Adams  
913 Our Lane  
Hamilton, MT 59840

**OWNER:** Dan and Roberta Connor  
PO Box 2359  
Paso Robles, CA 93447

**REPRESENTATIVE:** Applebury Survey  
914 Highway 93  
Victor, MT 59875

**LOCATION OF REQUEST:** The property is located south of Hamilton off US Highway 93. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract 3 of COS# 1370, located in Section 12, T5N, R21W, P.M.M.,  
Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on January 29, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-5 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked January 29, 2008. No public comments have been received to date.

**DEVELOPMENT  
PATTERN:**

|                  |                              |
|------------------|------------------------------|
| Subject property | Vacant                       |
| North            | Residential                  |
| South            | Highway Right-of-Way         |
| East             | Agricultural                 |
| West             | Bitterroot River/Residential |

**INTRODUCTION**

The Adams Acres IV First Minor subdivision is a five-lot split proposed on 18.8 acres. The subject property is currently vacant, and is proposed for single-family dwellings. A wetlands delineation was performed, and a series of wetlands identified on the property. The applicant is proposing no-build/alteration zones around the wetlands, as well as over areas of heavy vegetation and steep slopes. Roughly 40% of the property is encumbered by the proposed no-build/alteration zones.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS**  
**MARCH 6, 2008**

**ADAMS ACRES IV**  
**FIVE-LOT MINOR SUBDIVISION**

**RECOMMENDED MOTION**

*(Staff Note: Prior to making a decision on the subdivision, the BCC must determine the appropriate parkland dedication.)*

That the Adams Acres IV Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION AND VARIANCE REQUEST**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture)*

***Notification of Irrigation Facilities and Easements.*** Within this subdivision there is an irrigation easement and drainage easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

***Notification of Water Rights.*** Lot 2 within this subdivision does not currently have the right to take water from the irrigation and drainage ditches within this subdivision. Taking water without a water right for any purpose is illegal. However, Lot 1 and Lots 3 through 5 do have the right to take water from the irrigation and drainage ditches on the property, as detailed in the Irrigation Agreement filed with this subdivision. Residents should consult with the Montana Department of Natural Resources for questions on water rights. *(Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities)*

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the US Highway 93 and portions of the Sunhawk Lane frontages of this subdivision, excepting the approved approaches to Sunhawk Lane from US Highway 93. All lots within this subdivision must use the approved approach. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. *[The applicant shall provide a reduced copy of the plat showing the no-ingress/egress zones.]* This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation and the Board of Ravalli

County Commissioners. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)

**Notification of Road Maintenance Agreement.** The internal subdivision roads, Sunhawk Lane and Dalton Avenue, are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)

**Notification of No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with steep slopes and to protect natural features such as wetlands and vegetation. No new structure may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat)

**Notification of Proximity to Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Lake Como Reservoir Dam and/or Painted Rocks Reservoir Dam.** A portion of this subdivision may be located within the dam inundation areas for the Painted Rocks Dam and the Lake Como Dam. The Painted Rocks Reservoir Dam is owned and operated by the State of Montana, Department of Natural Resources and Conservation District, Water Resources Division, Dam Safety Program (48 North Last Chance Gulch, P.O. Box 201601, Helena, Montana, 59620-1621). The Lake Como Reservoir Dam is owned and operated by the Bitterroot Irrigation District (1182 Lazy J Lane, Corvallis, Montana, 59828), and the safety of the dam is overseen by the Bureau of Reclamation, Dam Safety Division (Montana Area Office, 2950 4<sup>th</sup> Avenue North, Billings, Montana, 59107). For more information regarding these dams, please contact the above agencies. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question are included as exhibits to this document [the applicant shall include the reduced plat and exhibits as attachments]. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

**Proximity to Bitterroot River.** This property is located in close proximity to the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

**Notification of Proximity to Montana Rail-Link Railroad.** This subdivision is located approximately 500 feet from the Montana Rail-Link railroad grade. Standard operation of the railroad can include elevated noise levels, exhaust fumes, and engine headlights, which may

be objectionable to some people. In addition, there are inherent hazards associated with railroad operations. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Proximity to Bitterroot River.** This property is located in close proximity to the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. A professional survey has been done for this subdivision and portions of the property are located within the 100-year floodplain of the Bitterroot River. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent

wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.

- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1<sup>st</sup> through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**No-Build/Alteration Zones.** Healthy, naturally functioning riparian areas and wetlands benefit fish and wildlife, as well as agriculture and recreation. The goal of the "no build/alteration zones" along the Bitterroot River, around vegetation, and covering the wetlands is to help preserve the water quality and functionality of these water features, protect and enhance riparian areas, and protect property from eroding banks and possible flooding. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and livestock grazing--would help preserve the functionality of these areas, protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat*)

The "No Build/Alteration Zones" are depicted on the plat. These zones are protected by the following covenants (restrictions) to help avoid damage to the River, its riparian areas, and wetlands, as well as enhancing these areas:

- a) No building, no new roads or alteration is allowed within the no-build/alteration zones.
- b) Only non-motorized access and use of the no-build/alteration zones is allowed, except for certain maintenance needs such as weed spraying.
- c) Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zones. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d) Do not plant lawns in the no-build/alteration zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e) If planting is planned for these areas, the goal should be to re-establish native plant species appropriate to the site.
- f) In general, keep livestock out of the no-build/alteration zones, and do not include them in corrals. Use fences to keep livestock from trampling and grazing vegetation in these zones.
- g) Certain actions in or near the identified wetlands and Bitterroot River may require state and/or federal permit(s). Contact the Ravalli Conservation District office in Hamilton, the Ravalli County Floodplain Administrator, and/or the Army Corps of Engineers for further information.
- h) In summary, allow the riparian and wetland areas within the no-build/alteration zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

- i) These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

**Control of Noxious Weeds.** A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy



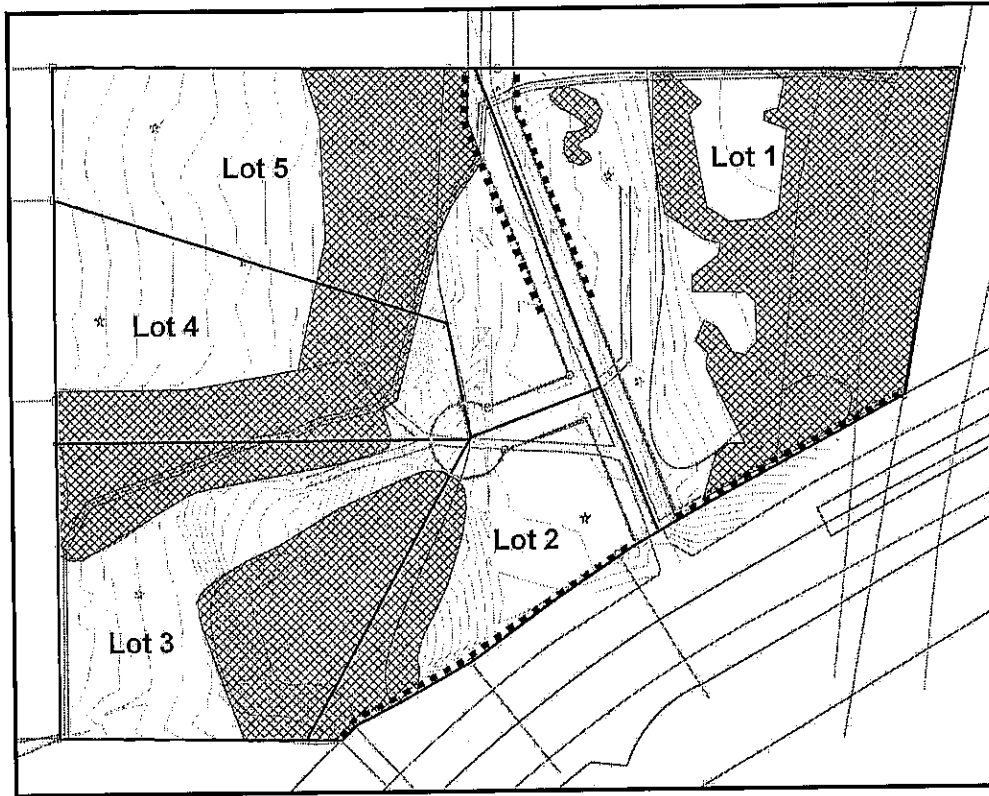
Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
7. The final plat shall show no-ingress/egress zones along the US Highway 93 and a portion of the Sunhawk Lane frontages of the subdivision, excepting the approved approaches to Sunhawk Lane from US Highway 93, as approved by the Montana Department of Transportation. [See Map 2] (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

8. Stop signs and road name signs shall be installed at the intersection of Dalton Avenue with Sunhawk Lane, and at the intersection of Sunhawk Lane with US Highway 93 prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
9. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
10. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
11. The subdivider shall submit a letter or receipt from the Hamilton School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
12. The road maintenance agreement for the internal subdivision roads shall state that other parcels that may have beneficial use of the internal subdivision roads shall be allowed to join as members of the agreement without the consent of the current members. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
13. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
14. The final plat shall show no-build/alteration zones on the steep slopes, wetlands, and vegetated areas, as shown on the preliminary plat (See Map 2). Public road and utility easements, as shown on the preliminary plat, shall not be included in the no-build/alteration zones, nor shall the driveway access to Lot 4. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)
15. The irrigation and drainage easement shall be shown on the final plat as shown on the preliminary plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
16. The applicant shall provide a detailed description of the existing water rights in the irrigation agreement, which will include copy(s) of the abstract(s) delineating the existing rights. (*Effects on Agricultural Water User Facilities*)



**Map 2: Approximate locations of no-build/alteration zones and no-ingress/egress zones**  
 [Note: No-build/alteration zones shown as cross-hatched areas. no-ingress/egress zones shown as dashed lines.]  
 (Source Data: Applebury Survey and Ravalli County GIS Department)

## **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale

- l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No ingress/egress zones along US Highway 93 and Sunhawk lane, excepting the approved approach off US Highway 93.
  - gg. No-build/alteration zones, as shown on the preliminary plat, shall be shown on the final plat.
  - hh. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat.
  - ii. The irrigation easement and drainage easement shall be shown on the final plat as shown on the preliminary plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
  4. Any variance decisions shall be submitted with the final plat submittal.
  5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
  6. The final plat review fee shall be submitted with the final plat submittal.
  7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
  8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
  9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
  10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
  11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
  12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
  13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
  14. Evidence of Ravalli County approved road name petitions for each new road.
  15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.

16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the Hamilton School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
  - a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of a CBU, and the construction of the internal subdivision roads.

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### **Findings of Fact**

1. Existing utilities are located along the US Highway 93 frontage of the subdivision, and in the easement for Sunhawk Lane. (Adams Acres IV Subdivision File)
2. A proposed 60-foot wide road and utility easement, Dalton Ave, will provide utilities to proposed Lots 3 and 4. (Adams Acres IV Subdivision File)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### **Conclusion of Law**

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### **Findings of Fact**

1. The subject property gains legal and physical access from US Highway 93. (Adams Acres IV Subdivision File)
2. The internal roads Sunhawk Lane and Dalton Avenue will provide legal and physical access to all lots within the subdivision. However, legal access to a portion of Sunhawk Lane from Lot 1 and Lot 5 will be precluded by a no-ingress/egress zone beginning near the intersection of Dalton Avenue and extending to the northern property boundary. (Adams Acres IV Subdivision File)
3. A Road Maintenance Agreement outlines what parties are responsible for maintaining the roads within the subdivision, and under what conditions. (Adams Acres IV Subdivision File)
4. *The final plat shall show no-ingress/egress zones along the US Highway 93 and a portion of the Sunhawk Lane frontages of the subdivision. (Condition 7)*

##### **Conclusion of Law**

Legal and physical access will be provided on US Highway 93 and the internal roads.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### **Findings of Fact**

1. The applicant is proposing to construct Sunhawk Lane and Dalton Avenue to meet current county standards. The road plans have been preliminarily approved by the Ravalli County Road and Bridge Department. (Adams Acres IV Subdivision File) (Exhibit A-5)
2. According to the preliminary road plans, the paved section of Sunhawk Lane will end roughly where an existing culvert is located within the roadway easement. The applicant is proposing a no-ingress/egress zone along both sides of the roadway from the culvert to the northern property boundary, precluding legal access to the road. Pursuant to RCSR Section 5-4-5(a)(4), roads through subdivisions that do not provide access to lots within the subdivision are exempt from paving requirements. (Section 5-4-5(a)(4), RCSR)

3. The applicant is required to submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. (Section 3-4-4(a)(xxvi), RCSR)
4. *Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of a CBU, and the construction of the internal subdivision roads. (Conditions 8 and 13 and Final Plat Requirement 26)*

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

**D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

#### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 3.8 acres. (Adams Acres IV Subdivision File)
3. The applicant is reserving all of the water rights and transferring those rights to a Homeowners Association, where they will be administered and maintained for the benefit of the owners of Lot 1 and Lots 3 through 5. (Adams Acres IV Subdivision File)
4. The subdivision has the following water rights:
  - (a) DNRC right 76H 169816, which appropriates 112.2 gallons per minute (GPM) from Roaring Lion Creek.
  - (b) DNRC right 76H 169817, which appropriates 58.34 GPM from Roaring Lion Creek.
  - (c) DNRC right 76H 169818, which appropriates 224.4 GPM from Roaring Lion Creek.
  - (d) DNRC right 76H 169819, which specifies a source from Roaring Lion Creek, but does not appropriate an amount.
5. *Condition 1 notifies individual lot owners of the right to take water from the irrigation easement within the property.*

#### Conclusion of Law

With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The applicant is proposing a 10-foot wide irrigation easement centered on an existing ditch, which traverses Lots 1, 3, 4, and 5. (Adams Acres IV Subdivision File)
3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
  - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The application states that 0.52 acres are required to meet the parkland dedication requirement. (Adams Acres IV Subdivision File)
2. RCSR Section 6-1-5(a) requires a subdivider to make a land donation to the County, make a cash donation to the County, reserve land within the development for the recreational uses for those within the development, and/or reserve land for one or more of the following purposes:
  - (a) Protection of critical wildlife habitat;
  - (b) Protection of cultural, historical, or natural resources;
  - (c) Protection of agricultural lands; or
  - (d) Protection of aesthetic values, including open space and scenic vistas
2. Pursuant to RCSR Section 6-1-5(a)(4)(b), the applicant is proposing to meet the parkland dedication requirement by delineating wetlands and vegetated areas as no-build/alteration zones. Roughly 5.4 acres will be encumbered by the no-build/alteration zones. (Application)
3. In a letter dated February 18, 2008, the Ravalli County Park Board recommends that the applicant provide cash-in-lieu to meet their park obligation. (Exhibit A-1)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the



expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

#### Conclusion of Law

1. The applicant has proposed a parkland donation that meets the park area requirements.
2. In accordance with the Park Board's recommendation, it appears the proposal to meet the parkland dedication may not be appropriate.
3. The BCC will evaluate the proposal and consider the expressed preference of the subdivider and the recommendations of the Park Board and Planning Board during their deliberations. A final determination as to what an appropriate parkland dedication is for this subdivision will be made by the BCC.

### **G. Overall Conclusion on Prerequisite Requirements**

#### Finding of Fact

- Evaluation of the appropriateness of the parkland dedication will be completed during the BCC review of the proposal.

#### Conclusion of Law

With the conditions and requirements of final plat approval, and a BCC decision on parkland dedication, there is credible evidence that the subdivision application meets the prerequisite requirements.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Adams Acres IV Subdivision File)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Adams Acres IV Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR, have been followed.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting residential subdivisions to a density of one dwelling per two acres. (Resolution 2038).
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Adams Acres IV Subdivision File)

##### Conclusion of Law

This proposal complies with existing zoning regulations.

**C. Existing covenants and/or deed restrictions.**

Finding of Fact

1. There are existing covenants on the property included in document #144322. (Adams Acres IV Subdivision File)
2. The covenants include a 50-foot building setback from roads and other property lines, provisions for the burial of utility lines, restrictions on the type of dwellings, and provisions for the orderly development of the area. (Document # 144322)

Conclusion of Law

The proposal appears to comply with existing covenants.

**D. Other applicable regulations.**

Findings of Fact

1. Following are applicable regulations:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The proposed minor subdivision on 18.8 acres will result in five lots that range in size from 2.01 acres to 5.86 acres. The property is located approximately 3 miles south of the City of Hamilton off U.S. Highway 93. (Adams Acres IV Subdivision File)
2. The property is adjacent to other agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. The property has not been used for agricultural purposes for several years. (Adams Acres IV Subdivision File)
4. According to the US Department of Agriculture, Soil Conservation Service's "Special Soil Interpretations Report", there are two types of soil listed as Prime Farmland Soils (Hb and Hd on the plat). These soils compose approximately 30% of the property. (*Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed, Canada Thistle, Common Tansey, Leafy Spurge, and Houndstongue were scattered on the property. The plan has been approved by the Weed Board and Section 3-4-5(b)(vi) requires that the plan is filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that

results in the potential for noxious weed infestation with in a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. (Adams Acres IV Subdivision File)

6. *Following are conditions and requirements of final plat approval that will help mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on agriculture will be reduced.

**CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

Finding of Fact

1. There are four water rights associated with this property. Water right 76H 169816 is a decreed right that appropriates 112.2 gallons per minute (GPM) from Roaring Lion Creek. Water right 76H 169817 is a decreed right that appropriates 58.34 GPM from Roaring Lion Creek. Water right 76H 169818 is a decreed right that appropriates 224.4 GPM from Roaring Lion Creek. Water right 76H 169819 is a decreed right that specifies a source from Roaring Lion Creek, but does not appropriate an amount. There is not an irrigation district, association, water commissioner, or provider associated with the water right. (Adams Acres IV Subdivision File)
2. The applicant is proposing to divide the water rights so that Lot 1 receives 124.94 GPM, Lot 3 receives 100 GPM, Lot 4 receives 70 GPM, and Lot 5 receives 100 GPM. The applicant is proposing an irrigation agreement that outlines the division of water rights. (Adams Acres IV Subdivision File)
3. A ditch travels from Roaring Lion Creek to deliver water to the property. This ditch traverses proposed Lots 1, 3, 4 and 5. As designed, proposed Lot 2 will not have access to irrigation water from the ditch. (Adams Acres IV Subdivision File)
4. The applicant is proposing a 10-foot wide easement centered on the ditch. (Adams Acres IV Subdivision File)
5. The applicant is proposing a 10-foot wide drainage easement centered on an existing drainage swale, which leads from the cattail marsh to the Bitterroot River. There is no evidence in the application that Lot owners have the right to any water that may be found in the swale. (Adams Acres IV Subdivision File)
6. *The following conditions and final plat requirements will held mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *A notification of water rights shall be included in the notifications document filed with the final plat. (Condition 1)*
  - *A notification of irrigation facilities and easements shall be included in the final plat. (Condition 1)*
  - *The irrigation easement and drainage easement shall be shown on the final plat as they were shown on the preliminary plat. (Condition 15)*
  - *The applicant shall submit a master irrigation plan, which includes a diagram of existing irrigation infrastructure/easements either on the final plat or in a separate document and the irrigation agreement, with the final plat application. In addition to the required provisions*

*in Section 3-1-5(a)(xxxv), the applicant shall provide a detailed description of the existing water rights in the irrigation agreement, which will include copy(s) of the abstract(s) delineating the existing rights. (Condition 16 and Final Plat Requirement 20)*

- *The signature of any downstream water users is required when alteration to an irrigation ditch is proposed. (Final Plat Requirement 21)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

#### CRITERION 3: EFFECTS ON LOCAL SERVICES

##### Findings of Fact:

##### Fire Department

1. The subdivision is located within the Hamilton Rural Fire District. (Adams Acres IV Subdivision File)
2. The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-6)
3. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
  - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 6)*

##### School District

4. The proposed subdivision is located within the Hamilton School District. (Adams Acres IV Subdivision File)
5. It is estimated that 2 to 3 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household. (Census 2000)
6. The applicant is proposing to contribute \$250 to the School District. (Adams Acres IV Subdivision File)
7. Notification letters were sent to the Hamilton School District requesting comments on January 23, 2007 and January 29, 2008, but no comments have been received from the School District. (Adams Acres IV Subdivision File)

8. The cost per pupil for one year in the Hamilton School District, excluding capital costs, is \$6,619. Taxes from new residents are not immediately available to the school districts. (Exhibit A-7)
9. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Hamilton School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 11 and Final Plat Requirement 24)*

#### Public Safety

10. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Adams Acres IV Subdivision File)
11. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on January 23, 2007 and January 29, 2008, but no comments have been received from the Sheriff's Office. (Adams Acres IV Subdivision File)
12. This proposed subdivision is located approximately 3 miles from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
13. There are five proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 40 vehicular trips per day, assuming eight trips per day per lot. (Adams Acres IV Subdivision File)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services. (Adams Acres IV Subdivision File)
16. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 9)*

#### Roads

17. There are five proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 40 vehicular trips per day, assuming eight trips per day per lot. (Adams Acres IV Subdivision File)
18. US Highway 93, a Federal road maintained by the County, provides access to the site. (Adams Acres IV Subdivision File and Ravalli County GIS Data)
19. The applicant is not required to improve or pay pro rata towards improving Federal roads. (Section 5-4-5, RCSR)
20. There is a proposed Road Maintenance Agreement for the internal roads Sunhawk Lane and Dalton Avenue. (Adams Acres IV Subdivision File)
21. Sunhawk Lane is an existing gravel road that serves 17 other properties to the north of this proposed subdivision. (Ravalli County GIS Data)
22. The applicant is proposing stop signs and road name signs at the intersections of Dalton Avenue with Sunhawk Lane, and at the intersection of Sunhawk Lane with US Highway 93. (Adams Acres IV Subdivision File)
23. The road plans have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-5)
24. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *Prior to final plat approval, evidence of Ravalli County approved road name petitions for each new road shall be provided. (Final Plat Requirement 14)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)*

- A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal roads. (Final Plat Requirement 19)
- A notification of the Road Maintenance Agreement for the internal roads shall be included in the notifications document filed with the final plat. (Condition 1)
- The Road Maintenance Agreement shall state that other parcels that may have beneficial use of the roads shall be allowed to join as members of the agreement without the consent of the current members. (Condition 12)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
- Stop signs and road name signs shall be installed at the intersection of Dalton Avenue with Sunhawk Lane and at the intersection of Sunhawk Lane with US Highway 93 prior to final plat approval. (Condition 8)
- The easements for the internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Condition 10)
- The final plat shall show no-ingress/egress zones along the US Highway 93 and a portion of the Sunhawk Lane frontages of the subdivision, excepting the approved approaches to Sunhawk Lane from US Highway 93, as approved by the Montana Department of Transportation. [See Map 2] (Condition 7 and Final Plat Requirement 2)
- A notification of the limitation of access will be included in the notifications document. (Condition 1)
- The applicant shall submit a final approved approach permit from the Montana Department of Transportation prior to final plat approval. (Final Plat Requirement 13)

#### Ambulance Services

25. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly was contacted, but no comments have been received to date. (Adams Acres IV Subdivision File)
26. To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)

#### Water and Wastewater Districts

27. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Adams Acres IV Subdivision File)

#### Solid Waste Services

28. Bitterroot Disposal provides service to this site. (Adams Acres IV Subdivision File)
29. Notification letters were sent to Bitterroot Disposal requesting comments on January 23, 2007 and January 29, 2008, but no comments have been received. (Adams Acres IV Subdivision File)

#### Mail Delivery Services

30. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-8).
31. To mitigate impacts on local services, the applicants shall provide evidence that plans for a CBU (location and specifications) have been approved by the local post office. (Condition 13)

#### Utilities

32. The proposed subdivision will be served by Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Adams Acres IV Subdivision File)
33. Notification letters were sent to the utility companies requesting comments on January 23, 2007 and January 29, 2008. No comments have been received by either power company. (Adams Acres IV Subdivision File)
34. *The following requirements will mitigate impacts of the subdivision on local utilities:*
  - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Surface Water Features

1. The Bitterroot River, on the eastern property boundary, is considered a "waters of the United States" and is therefore protected under the Clean Water Act. (33 Code of Federal Regulations Part 328)
2. The plat shows a "Spring Area" on Lot 3, and a number of other identified wetlands. George Chaffee, Resource Consultant, completed a wetlands evaluation for the property and determined that the "spring area" is a wetland, because all three wetland indicators (vegetation, soils, and hydrology) are present. Mr. Chaffee categorizes this area as a cattail marsh. (Adams Acres IV Subdivision File)
3. A proposed 10-foot drainage easement extends from the cattail marsh, traverses Lot 2 and Lot 1 and empties into the Bitterroot River. It is unknown whether a surface water connection exists between this identified wetland and the Bitterroot River, and therefore it is unknown whether the wetlands are considered to be under the jurisdiction of the US Army Corps of Engineers. (Adams Acres IV Subdivision File and Staff Determination)
4. An existing irrigation ditch traverses proposed Lots 1, 3, 4 and 5. The ditch appears to run through areas that have been identified on the plat as wetlands. It is unknown whether a surface water connection exists between this identified wetland and the Bitterroot River, and therefore it is unknown whether the wetlands are considered to be under the jurisdiction of the US Army Corps of Engineers. (Adams Acres IV Subdivision File and Staff Determination)
5. Only the Army Corps of Engineers can legally determine whether wetlands are considered 'jurisdictional'. (USACE)
6. The applicant is proposing a no-build/alteration zone on the identified wetland areas, and other areas with thick vegetation and steep slopes. (Adams Acres IV Subdivision File)
7. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Adams Acres IV Subdivision File)
8. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-3, MCA 76-3-622)
9. *To mitigate impacts on the Natural Environment, the applicant is required to complete the following:*
  - *Submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

- *The no-build/alteration zones shall be shown on the final plat as proposed on the preliminary plat. (Condition 14 and Final Plat Requirement 2)*
- *A provision explaining the no-build/alteration zones shall be included in the covenants. (Condition 2)*

#### Light Pollution

10. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)
11. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

#### Air Pollution

12. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana' <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
13. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

#### Vegetation

14. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed, Canada Thistle, Common Tansey, Leafy Spurge, and Houndstongue were scattered on the property. (Adams Acres IV Subdivision File)
15. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
16. According to the Montana Natural Heritage Program, the Palish Sedge was identified as a plant species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property and because of the substantial no-build/alteration zones proposed. (Exhibit A-4 and Adams Acres IV Subdivision File)
17. There are areas on the plat identified as being wetlands. Additionally, there are areas on the property that support thick vegetation. (Adams Acres IV Subdivision File and Site Visit)
18. *To mitigate impacts on natural environment, the following items will be required for final plat approval:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)*
  - *The no-build alteration zones will be shown on the final plat as proposed on the preliminary plat. (Condition 14 and Final Plat Requirement 2)*
  - *The covenants shall include a provision explaining the no-build/alteration zones. Condition 2)*



- *A notification of the no-build/alteration zones shall be included in the notifications document. (Condition 1)*

#### Historical/Archeological Sites

8. There are no known sites of historical significance on the property. (Adams Acres IV Subdivision File)
9. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

#### Findings of Fact:

1. The main stem of the Bitterroot River forms the eastern property boundary. The significant amount of wetlands and riparian areas associated with this property most likely provides wildlife habitat. FWP did not comment on this subdivision, but provided comments for a similar proposal. Their comments were that living with wildlife and no-build/alteration zone provisions should be included in the covenants. (Adams Acres IV Subdivision File)
2. The property is not located within big-game winter range. (FWP GIS Data)
3. According to the Montana Natural Heritage Program, the Bull Trout, Cutthroat Trout and Townsends Big-Eared Bat were identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property and because of the substantial no-build/alteration zones proposed. (Exhibit A-4 and Adams Acres IV Subdivision File)
4. *To mitigate impacts on wildlife, the following conditions shall be met:*
  - *The covenants shall include a living with wildlife section. (Condition 2)*
  - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
  - *The no-build alteration zones will be shown on the final plat as proposed on the preliminary plat. (Condition 14 and Final Plat Requirement 2)*
  - *The covenants shall include a provision explaining the no-build/alteration zones. (Condition 2)*
  - *A notification of the no-build/alteration zones shall be included in the notifications document. (Condition 1)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

#### Findings of Fact:

##### Traffic Safety

1. Access is proposed off US Highway 93. (Adams Acres IV Subdivision File)
2. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety.*

#### Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, and the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Adams Acres IV Subdivision File)
4. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

#### Water and Wastewater

5. The applicant is proposing individual wells and wastewater facilities to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Adams Acres IV Subdivision File and Exhibit A-3)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. A portion of the southeast corner of the property may be located within the Painted Rocks and Lake Como Dam inundation areas. (Ravalli County GIS department data)
9. The preliminary plat and soils map indicate there are soil types on the property that are considered severe for construction of roads and/or buildings. (Adams Acres IV Subdivision File)
10. The Bitterroot River forms the eastern property boundary. A survey for the property shows that the top of the bank is also the same as the edge of the floodplain. Though the area defined as floodplain is currently encumbered by a no-build/alteration zone, rivers and streams are prone to migration, which could affect the boundary of the floodplain. (Floodplain Management Study Bitterroot River, Ravalli County, Montana (November, 1995) and RCSR Section 5-2-1(3))
11. The Montana Rail-Link railroad is located approximately 200 feet from this development, across the street from US Highway 93. (Ravalli County GIS Data)
12. *To mitigate impacts on the public's health and safety, the following conditions shall be met:*
  - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
  - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
  - *The notifications document shall include a statement regarding the proximity of the Painted Rocks and Lake Como Dam inundation areas. (Condition 1)*
  - *A notification of severe soils shall be included in the notifications document. (Condition 1)*
  - *A notification of the proximity of the Bitterroot River will be included in the notifications document. (Condition 1)*
  - *A notification of the proximity of the railroad shall be included in the notifications document, and a provision regarding floodplain development shall be included in the covenants. (Conditions 1 and 2)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safe

February 18, 2007

John Lavey  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

RECEIVED

FEB 19 2008

Ravalli County Planning Dept.

## EXHIBIT A-1

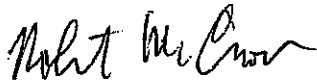
Subject : Adams Acres IV Minor Subdivision

Dear John:

Adams Acres IV Subdivision proposes 5 lots on 19 acres. The applicant proposes meeting the required parkland dedication by setting aside wetlands through no build/alteration zones within the five lot boundaries. While the Ravalli County Park Board supports protecting wetlands, we believe the applicant has that obligation outside of the subdivision regulations. We, further, are not aware that the proposed wetlands provide critical wildlife habitat, and if they did, building houses amongst them would run counter to their use for wildlife protection. The Ravalli County Parks Board recommends that the applicant provide cash-in-lieu to meet their park obligation.

Thank you for providing us with the preliminary plat for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron  
For  
Gary Leese  
Chairperson,  
Ravalli County Parks Board

# Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

FEB 09 2007  
IC-07-02-105  
Ravalli County Planning Dept.

February 6, 2007

## EXHIBIT A-2

Tristan Riddell  
Ravalli County Planning Department  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

### RE: Agency comment on Adams Acres IV

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the January 23, 2007 information received from Tristan Riddell, in regards to the District's ability to provide fire protection services.


To mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, and in keeping with our Fire Protection Standards, we request that:

- 1) All buildings are built to IRBC code, and
- 2) All roads within the subdivision are constructed to County standards without any variances.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire service protection to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,



Lisa Wade  
Secretary

**SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation Information Per MCA 76-3-622**Name of Subdivision: *ADAMS ACRES IV MINOR SUBDIVISION*Subdivider/Landowner Name(s): *JACK ADAMS***RECEIVED**Consultant Name: *HOWARD ANDERSON*

JAN 25 2007

Date Received: *1-24-07*Sufficiency Review Due Date: *1-25-07*

Savannah County Planning Dept.

| Yes | No | N/A | Item | Additional Information/Staff comments |
|-----|----|-----|------|---------------------------------------|
|-----|----|-----|------|---------------------------------------|

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

|                                     |  |                                     |  |  |
|-------------------------------------|--|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> |  |                                     | Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.   |  |
|                                     |  |                                     | <b>(a) Vicinity Map or Plan</b>  |  |
| <input checked="" type="checkbox"/> |  |                                     | (i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:   |  |
|                                     |  | <input checked="" type="checkbox"/> | (A) flood plains   |  |
| <input checked="" type="checkbox"/> |  |                                     | (B) surface water features   |  |
| <input checked="" type="checkbox"/> |  |                                     | (C) springs  |  |
| <input checked="" type="checkbox"/> |  |                                     | (D) irrigation ditches   |  |
| <input checked="" type="checkbox"/> |  |                                     | (E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems  |  |
| <input checked="" type="checkbox"/> |  |                                     | (F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);  |  |
| <input checked="" type="checkbox"/> |  |                                     | (G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)   |  |
|                                     |  | <input checked="" type="checkbox"/> | (ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities  |  |
| <input checked="" type="checkbox"/> |  |                                     | <b>(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.</b> |  |
| <input checked="" type="checkbox"/> |  |                                     | <b>(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.</b>   |  |

**EXHIBIT A-3**

**Planning****EXHIBIT A-4**

**From:** Planning  
**Sent:** Thursday, March 01, 2007 12:14 PM  
**To:** Karen Hughes  
**Subject:** FW: Adams Acres IV: Sensitive Species Waiver Request

3/13/07  
Waiver approved  
per rec. from  
Planning staff  
KRE-H

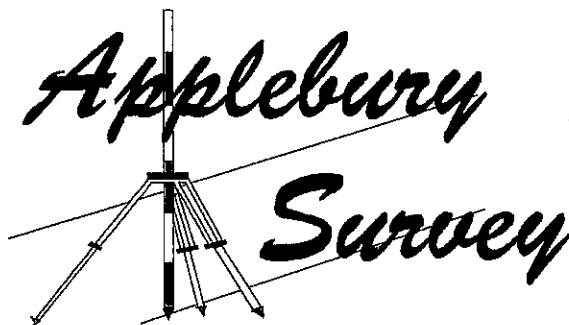
Karen,

We have received a sensitive species waiver request from Applebury for the Adams Acres IV minor subdivision, located south of Hamilton by Anglers Roost. The request is to waive a full sensitive species report for the following species: Bull trout, Cutthroat Trout, Townsends Big-Eared Bat, and Palish Sedge. To protect fisheries habitat, the applicant is proposing a 100' setback from the Bitterroot; Laura seems to be in agreement with this proposal. Information from MNHP regarding the Palish Sedge indicates that it "may be introduced in Montana, thus its status is uncertain at this time...This taxa is otherwise native to eastern North America". Finally, the Big-eared bat appears to prefer caves and abandoned mine shafts, though MNHP does confess that pine forests and woodlands occasionally provide habitat. Again, the location of trees on the subject property are within the boundary of the no build/alt zone.

Based upon these metrics, I would be comfortable granting a sensitive species waiver request.

John Lavey  
Ravalli County Planning Department  
215 South 4th St., Suite F  
Hamilton, MT 59840

3/1/2007



RECEIVED  
FEB 26 2007  
IL-07-02-234  
Ravalli County Planning Dept.

Denis Applebury  
Professional Land Surveyor  
Professional Land Planner  
914 Hwy. 93 Victor, Montana 59875  
Phone: (406) 961-3267

February 23, 2007

Ravalli County Planning Office  
Attn: John Lavey  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

RE: Adams Acres IV

Dear John,

This letter is to answer your deficiencies of February 14, 2007 for Adams Acres. The first item is the Sensitive Species Report. We requested a waiver from the report for the Bull Trout which was the only species identified in the section which the subdivision is in. You have asked in your deficiency letter for information on three other species. I have included the Natural Heritage Program information on all 4 species you mention. We are mitigating the cutthroat trout and bull trout by a 100' no-build/alteration zone from the river. The Palish Sedge indicates that it will be endangered if the species is ever introduced into Montana. It is a moist, or wet area, plant and we are protecting all wet areas with a no-build zone/alteration zone. Finally, the Townsend's big eared bat has its main habitat in caves and mine shafts. There is no suitable caves or mine shafts on or near the property to entice the bats to frequent this property. Therefore, we still are asking for a waiver with the mitigation as proposed. We have updated the Homeowners Association document. We have updated the plat as you have requested. We have also updated the topo map to address the concerns by Laura Hendrix & Larry Schock. The previous topo benchmark was approximated from a usgs quad map. We have tied the topo into a couple of FEMA FIRM benchmarks which changed it by ~32'. The top of the bank at the river is ~2' above the floodplain. I have also talked with Laura about this issue so she is aware of what we have now found. I have added that information and the benchmark used to the plat. This should take care of all the deficiencies noted in your letter.

If you have any questions or concerns, please feel free to contact us at 961-3267.

Thank You,

Terry Nelson  
enclosures

## MONTANA PLANT FIELD GUIDE

...click on plant name for North American information from...

### **Carex pallescens**



#### Palish Sedge (Cyperaceae)

##### **Status**

###### **Heritage Program Status and Ranks**

###### Species of Potential Concern

Global Rank: G5

State Rank: S1?

###### **State Rank Reason**

This species may be introduced in Montana, thus its status is uncertain at this time. Occurrences in British Columbia are reported to be of introduced origin. This taxa is otherwise native to eastern North America

###### **Agency Status**

USFWS:

USFS:

BLM:

##### **Descriptions**

###### **General Description**

Palish Sedge is a clumped perennial with flowering stems 15-75 cm high. Leaves are pale green, flat, 2-5 mm wide, and the lower have long, spreading hairs. 3-5 spikes are borne on the top of the stem. The terminal spike is made up of male flowers, and the lateral spikes are thick-cylindrical, 0.5-2.2 cm, on short stalks and made up of female flowers. Scales are acute and about the same length as perigynia. Perigynia are rounded on top, without a beak, and nerveless or faintly nerved. Each perigynium has 3 styles and a lens-shaped achene.

###### **Phenology**

Fruiting in late June - early July.

###### **Similar Species**

Distinguished from CAREX TORREYI by the rounded perigynium top, lack of a beak and lack of a strongly-ribbed surface. A hand lens or microscope are needed for positive identification.

##### **Habitat**

###### **Habitat Description**

Moist woodland margins.

###### **USFWS Wetland Indicator Values**

This information is currently unavailable. The data are in the process of being migrated from a different database. If you need this information please call (406) 444-3380.




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## Bull Trout

*Salvelinus confluentus*  
(Salmonidae)

Montana Species of Concern  
Global Rank: **G3**  
State Rank: **S2**

Agency Status  
USFWS: **LT**  
USFS: **THREATENED**  
BLM: **SPECIAL STATUS**



Bull Trout Color Plate

### General Description

The native bull trout has been determined to be a separate species from the coastal Dolly Varden. Bull trout are found in the Clark Fork and Flathead drainages of western Montana, and their slowly declining trend has led to their designation as a threatened species. Bull trout are a sensitive species that do not tolerate high sediment levels in their spawning streams. Sediment can suffocate the developing embryos before they hatch. In Flathead Lake, where they achieve trophy sizes of up to 25 pounds, the bull trout life cycle has been studied extensively. Adult bull trout ascend the North and Middle forks of the Flathead River to spawn in small tributary streams; in some cases traveling well over 100 miles in a few months. They spawn in the fall and the adults return to the lake. Young fish may spend up to three years in the tributaries before returning to mature in Flathead Lake. In other river systems, bull trout may be a resident stream fish.

Often, native bull trout have been displaced through competitive interaction with introduced brook trout. Bull trout and brook trout will interbreed, resulting in sterile hybrids, which leads to a further decrease in bull trout populations. The bull trout may be considered the grizzly bear of the fish world in relationship to its need for unaltered habitat. Young bull trout feed primarily on aquatic invertebrates but adults eat mostly other fish (FWP). Resident adults are 15 to 30 centimeters in length whereas migratory adults commonly exceed 60 centimeters (Rieman and McIntyre 1993).

### Migration

Both migratory and stream-resident bull trout move in response to developmental and seasonal habitat requirements. Migratory individuals can move great distances (up to 156 miles [250 kilometers]) among lakes, rivers, and tributary streams in response to spawning, rearing, and adult habitat needs (Swanberg 1996). Stream-resident bull trout migrate within tributary stream networks for spawning purposes, as well as in response to changes in seasonal habitat requirements and conditions. Open migratory corridors, both within and among tributary streams, and larger rivers and lake systems are critical for maintaining bull trout populations (AFS website 2003).

### Habitat

Sub-adult and adult fluvial bull trout reside in larger streams and rivers and spawn in smaller tributary streams, whereas adfluvial bull trout reside in lakes and spawn in tributaries (AFS website 2003). They spawn in headwater streams with clear gravel or rubble bottom (Brown 1971, Holton 1981).

### Food Habits

The young feed on aquatic insects. The adults are piscivorous. A Flathead Lake study found fish comprising more than 99% of food biomass (Shepard et al. 1984, Leathe and Graham 1982).

### Ecology

*in Partnership with*

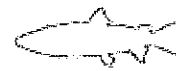
*Montana Fish, Wildlife & Parks.*

### SEARCH FIELD GUIDE

### ADDITIONAL MEDIA

(click on image to view)



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- ▶ [Rare Plant Field Guide](#)
- ▶ [Community Field Guide](#)
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- ▶ [Search Species of Concern](#)

### RELATED RESOURCES

- ▶ [Animal Species of Concern List \(PDF\)](#)
- ▶ [Plant Species of Concern List \(PDF\)](#)
- ▶ [NatureServe Explorer](#)
- ▶ [Montana Fish, Wildlife & Parks](#)
- ▶ [Recreating in Wildlife Habitat](#)
- ▶ [Living with Wildlife](#)

### ABOUT THIS GUIDE

The Montana Animal Field Guide is a joint project between the Natural Heritage Program and [Montana Fish, Wildlife & Parks](#). Montana FWP, through its employees and citizen commission, provides for the stewardship of the fish, wildlife, parks and recreational resources of Montana, while contributing to the quality of life for present and future generations.

The Flathead Basin population is largely adfluvial, living out most of their adult lives in a lake environment. Young are reared in spawning tributary streams (Shepard et al. 1984). Hybrids are sterile when crossed with brook trout. Bull trout grow to lengths of 37 inches and weights as heavy as 20+ pounds (AFS website 2003).

#### Reproductive Characteristics

Bull trout reach sexually maturity in 4 to 5 years. Spawning takes place between late August and early November, principally in third and fourth order streams. Existing studies suggest that successful incubation of bull trout embryos requires cold water temperatures, a gravel/cobble substrate with high permeability to allow water to flow over incubating eggs, and low levels of fine sediment (particles smaller than 6.35 millimeters (0.25 inches) in diameter) that smother eggs and fry. Eggs are deposited as deep as 25 centimeters (10 inches) below the streambed surface, and fry do not emerge until 7 to 8 months later, depending on water temperature (AFS website 2003).

#### Management

Because of their opportunistic feeding habits and late maturity, bull trout are vulnerable to over-harvest and poaching/accidental harvest, especially during migrations in tributaries (Leathe and Enk 1985, Long 1997, Schmetterling and Long 1999, Carnefix 2002). Some Montana bull trout populations (e.g. Swan, South Fork Flathead, Kootenai, Flathead and Blackfoot) have responded well to more restrictive angling regulations or closures (Tom Weaver, MFWP, personal communication), and initial conservation efforts in Montana focused on such measures. Harvest is currently permitted only in Swan Lake. Some level of poaching (Swanberg 1996, Long 1997) and accidental harvest due to misidentification (Schmetterling and Long 1999) probably continues to impact bull trout populations, but is difficult to detect, quantify, prosecute or prevent. Recent efforts to reduce misidentification include a Bull Trout Identification and Education webpage at the Montana Fish Wildlife and Parks website (<http://fwp.state.mt.us/bulltroutid/default.htm>) (AFS website 2003). The State of Montana began development of a bull trout restoration plan in 1993. The final plan, published in June 2000, identifies 115 bull trout core areas and connecting nodal habitat within twelve Restoration/Conservation Areas (RCAs); sets goals, objectives and criteria for restoration; outlines actions to meet those criteria; and establishes a structure to monitor implementation and evaluate effectiveness of the plan. The stated goal of the plan is to ensure the long-term persistence of complex (all life histories represented), interacting groups of bull trout distributed across the species' range and manage for sufficient abundance within restored RCAs to allow for recreational utilization (MBTRT 2000) (AFS website 2003).

#### Citations & Sources

- American Fisheries Society (AFS), Montana Chapter Website.
- Holton, G. D. 2003. A field guide to Montana fishes. Mont. Dept. Fish, Wildl. Parks, 95 pp.
- NatureServe Explorer: An online encyclopedia of life [web application]. 2002. Version 1.6 . Arlington, Virginia, USA: NatureServe. Available: <http://www.natureserve.org/explorer>. (Accessed: March 20, 2003 ).

Montana State Library, 1515 East Sixth Ave., Helena, MT 59620-1800 • 406-444-5354 • 406-444-0581 • email: [mtnhp@mt.gov](mailto:mtnhp@mt.gov)



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## Townsend's Big-eared Bat

*Corynorhinus townsendii*  
(Vespertilionidae)

### Montana Species of Concern

Global Rank: **G4**

State Rank: **S2**

Agency Status  
USFWS:

USFS: **SENSITIVE**

BLM: **SENSITIVE**



Townsend's Big-eared Bat

### General Description

Very large ears (30 to 39 millimeters) joined across forehead are a prominent feature in Townsend's big-eared bat; the tragus is long and pointed. The dorsal hairs are brownish at the tips, contrasting a little or considerably with the lighter underfur; ventral hairs are dark brownish-gray in color with brown to cinnamon tips. The hairs on the toes do not project beyond the toenails. There are two large, fleshy lumps on the snout, the basis for one of its common name, "lump-nosed bat." Total length is 90 to 113 millimeters; forearm length is 39.0 to 47.6 millimeters; adult mass is 5.0 to 13.5 grams. The greatest length of the skull is 15.2 to 17.4 millimeters; the skull has 36 teeth (Handley 1959, Kunz and Martin 1982, Nagorsen and Brigham 1993).

### Diagnostic Characteristics

Townsend's big-eared bat differs from other Montana bats by its combination of extremely long, brownish ears that are joined at the base, the prominent lumps on the nose, the absence of large, white spots in the pelage (as with the spotted bat) and a dorsal pelage that is darker at the tips than the base (opposite that of the pallid bat, which is also larger-bodied).

### Migration

Little information on movement is available for this species. Townsend's big-eared bat is present year-round in Montana, with summer or winter records from several localities (Hoffmann et al. 1969, Swenson and Shanks 1979, Hendricks 2000, Hendricks et al. 2000, Hendricks and Kampwerth 2001), but movements of individuals have not been reported or studied.

### Habitat

Habitat use in Montana has not been evaluated in detail, but seems to be similar to other localities in the western United States. Caves and abandoned mines are used for maternity roosts and hibernacula (Worthington 1991, Hendricks et al. 1996, Hendricks 2000, Hendricks et al. 2000, Foresman 2001, Hendricks and Kampwerth 2001); use of buildings in late summer has also been reported (Swenson and Shanks 1979). Habitats in the vicinity of roosts include Douglas-fir and lodgepole pine forests, ponderosa pine woodlands, Utah juniper-sagebrush scrub, and cottonwood bottomland. In hibernacula, ambient temperatures ranged from -1.0 to 8.0 degrees (30 to 46 when torpid Townsend's big-eared bats were present) (Hendricks and Kampwerth 2001). Temperatures at maternity roosts are poorly documented; the temperature was 12 degrees (54 in mid-July near a colony in an abandoned mine in Lake County), and 18 degrees (66 in August near a colony in a large and relatively open cave chamber in Lewis and Clark County). Most caves and mines in Montana appear to be too cool in summer for use as maternity roosts.

### Food Habits

*in Partnership with*

**Montana Fish, Wildlife & Parks.**

### SEARCH FIELD GUIDE



### ADDITIONAL MEDIA

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### ABOUT THIS GUIDE

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Townsend's big-eared bat feeds on various nocturnal flying insects near the foliage of trees and shrubs, but appears to specialize primarily on small moths (Kunz and Martin 1982); other insects in the diet include lacewings, beetles, true flies, and wasps. There are reports of gleaning insects from foliage, but most are captured in the air, often near foliage. In a California study, individuals hunted primarily around the perimeter of trees, usually 10 to 30 meters off the ground, between mid-canopy and near the top of the canopy (Fellers and Pierson 2002). The diet and foraging behavior of Townsend's big-eared bat in Montana have not been reported or studied.

#### Ecology

Females form maternity colonies during the spring and summer. Colonies are typically composed of 20 to 180 females, each giving birth to one pup after a gestation period of 55 to 100 days (Pearson et al. 1952, Genter pers. obs.). Pups are able to fly in 3 weeks and are weaned at 6 weeks. Both sexes congregate at cooler caverns (called swarming sites) in late summer/early fall.

Townsend's big-eared bat emerges from day roosts in coastal California and central Oregon within an hour after sunset (Dobkin et al. 1995, Fellers and Pierson 2002); limited information from Montana indicates a similar emergence time (P. Hendricks and J. Carlson personal observation). In Oregon, individuals moved up to 24 kilometers from hibernacula to foraging areas (Dobkin et al. 1995). In California, foraging individuals traveled less than 10.5 kilometers from primary day roosts and tended to forage in the same areas each night. The mean center of activity for females was 3.2 kilometers from the roost, and 1.3 kilometers for males; 41 to 88% of tagged bats returned to their roost each night. Individual bats used nine alternate roosts (Fellers and Pierson 2002).

Townsend's big-eared bat tends to hibernate singly, but does occur in clusters during winter in some areas (Schmidly 1991). It tends not to associate closely in day roosts and hibernacula with other species of bats, although individuals of other species may be present elsewhere in the roost (Handley 1959, Kunz and Martin 1982, Genter 1986, Choate and Anderson 1997, Kuenzi et al. 1999). In Montana, Townsend's big-eared bat has been found at summer and winter roosts in the presence of other bat species (Swenson and Shanks 1979, Worthington 1991, Hendricks et al. 2000, Hendricks and Kampwerth 2001), although it usually hibernates in the open and alone, rather than in clusters or wedged in cracks.

Crude population density in Oklahoma was estimated at one bat per hectare (Humphrey and Kunz 1976, Kunz and Martin 1982), about 3 to 4 times greater than that reported in California (Pearson et al. 1952). Natal rates for colonies of adult females typically exceed 90%, but may be as low as 35% (Kunz and Martin 1982, Fellers 2000); pre-weaning post-natal mortality of adults generally is 4 to 5%. Adult survivorship is relatively high (about 70 to 80% in females in California). Regional population increases in California may be dependent on the establishment of new nursery colonies (Pearson et al. 1952), since colony size has been reported to remain static year after year. Predation has been suggested as the primary limiting factor in Kansas and Oklahoma (Handley 1959), although lack of suitable roosting habitat seems more likely to limit population size in this region (Humphrey and Kunz 1976). Predators of Townsend's big-eared bat are poorly documented, but include the black rat and eastern woodrat (Clark et al. 1990, Fellers 2000), as well as the black rat snake, spotted skunk, domestic cat, and ringtail (Pierson et al. 1999); predators can significantly depress reproductive success in some maternity colonies. No demographic data or estimates of population size are available for any population in Montana, nor have any predators been documented.

#### Reproductive Characteristics

No published studies are available on the reproductive biology of this species in Montana, and other documentation is very limited. Only five maternity colonies are known in Montana, with an estimated size in recent years of 25 to 100 adult females each. Lone adult females captured in early August in the Pryor Mountains were non-lactating (P. Hendricks and J. Carlson personal observation); flying juveniles appear in the same region sometime between late June and early September (Worthington 1991).

Based upon studies in other areas of the species' range mating begins in autumn and continues into winter. Ovulation and fertilization are delayed until late winter/early spring. Gestation lasts 2.0 to 3.5 months. A single young is born during a five week period, beginning mainly in late May in California, June in west Texas, and the second week of July in Washington (Pearson et al. 1952, Easterla 1973, Kunz and Martin 1982). Young can fly at 2.5 to 3.0 weeks, and are weaned by 6 weeks. In central California, summer colonies start to break up in August when the older young are just over 3 months old. Females become sexually mature their first summer; males are not sexually active until their second year. Young fly at 1 month of age and are weaned at 2 months. Most adult females breed every year. Maternity colonies are often smaller than 100 adult females, but up to 550 adult females are present in some (Easterla 1973, Humphrey and Kunz 1976, Pierson et al. 1991, Szewczak et al. 1998, Fellers 2000, Sherwin et al. 2000, Fellers and Pierson 2002). Males roost separately (apparently solitary) during this time. Maximum longevity is estimated to be about 16 to 17 years (Kunz and Martin 1982).

### Management

The response by Townsend's big-eared bats to human activities is largely undocumented in Montana. The maternity colony at Lewis and Clark Caverns has persisted for over a century, even though it is exposed daily to tour groups. In eastern Montana, numerous abandoned coal mines have been completely closed in recent decades, several of which were used as hibernacula; these mines are no longer accessible to bats. Abandoned mine reclamation has also been underway in western Montana during the same time. During the last decade, mine surveys prior to closure have been undertaken by land management agencies to determine the potential of abandoned mines as bat habitat. In some cases bat-friendly gates were installed at known Townsend's big-eared bat roosts, and the roosts have continued to be used after gate installation (Hendricks 1999, Hendricks and Kampwerth 2001). Some caves in the Pryor Mountains and Little Rocky Mountains with documented use by Townsend's big-eared bat are protected with bat-friendly gates (Worthington 1991, Hendricks et al. 2000). Abandoned mines should be surveyed for Townsend's big-eared bats or other bat species prior to any reclamation activity. Surveys should follow protocols in the conservation assessment and conservation strategy (Pierson et al. 1999). Installation of bat-friendly gates should be considered as a protective measure for all Townsend's big-eared bat roosts. Other land management activity (cave management, pesticide spraying, timber harvest, other vegetation conversion) at or near known roosts should also be conducted according to the best management practices outlined in the conservation assessment and strategy. Maternity roosts and hibernacula should be routinely monitored to establish population trends across the state. Undiscovered maternity colonies and hibernacula undoubtedly exist in Montana. All observations of Townsend's big-eared bat roosts should be reported to the appropriate land management agency, the Montana Natural Heritage Program, or the Montana Department of Fish, Wildlife and Parks.

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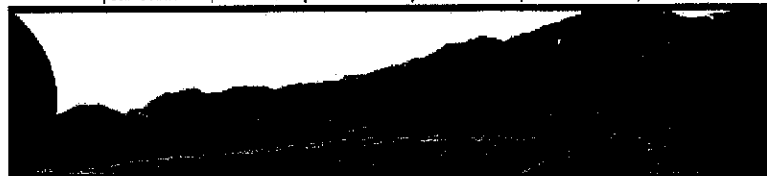
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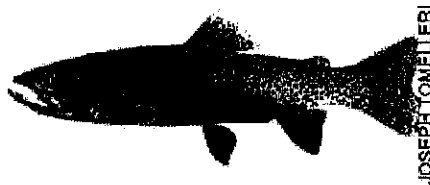
## Westslope Cutthroat Trout

*Oncorhynchus clarkii lewisi*  
(Salmonidae)

**Montana Species of Concern**  
Global Rank: **G4T3**  
State Rank: **S2**

Agency Status  
USFWS:  
USFS: **SENSITIVE**  
BLM: **SENSITIVE**

Westslope Cutthroat Trout Color Plate



JOSEPH TOMELLER

in Partnership with

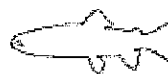
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### General Description

The Westslope cutthroat trout is one of two subspecies of native cutthroat found in the state. Together, they have been designated Montana's state fish. Cutthroat trout are so named for the red slashes near the lower jaws. The westslope cutthroat's historical range was all of Montana west of the Continental Divide as well as the upper Missouri River drainage. This fish has been seriously reduced in its range by two primary factors: hybridization with rainbow and/or Yellowstone cutthroat, and habitat loss and degradation. Since the westslope is recognized as a very important part of our native fish fauna it has been designated a Montana Fish of Special Concern in Montana. Pure westslope cutthroat have been identified by genetic analysis and form the broodstock maintained by the Montana Department of Fish, Wildlife and Parks at its Anaconda hatchery. The average size of these fish is 6 to 16 inches, depending on habitat, but they rarely exceed 18 inches in length.

Westslope cutthroat are common in both headwaters lake and stream environments. They feed primarily on insect life and zooplankton. Cutthroat spawn in the spring in running water, burying their eggs in a nest called a redd. The eggs hatch in a few weeks to a couple of months. The newborn fry frequently migrate back to lakes to rear after 1 to 2 years in their native stream (FWP). Westslope cutthroat is a trout with small, nonrounded spots, with few spots on the anterior body below the lateral line. Coloration varies, but generally is silver with yellowish hints, though bright yellow, orange, and especially red colors can be expressed to a much greater extent than on coastal or Yellowstone cutthroat (Behnke 1992). Hybridization between westslope and Yellowstone cutthroat trout can produce a spectrum of spotting and coloration ranging between the typical patterns of each subspecies. Some populations that have been affected by hybridization show little or no phenotypic signs of hybridization (Behnke 1992). Hybridization with rainbow trout can be detected by the appearance of spots on the top of the head and on the anterior body below the lateral line, as well as by reduced scale counts, increased caecal counts, and loss of basibranchial teeth (Behnke 1992).

### Diagnostic Characteristics

Tiny teeth are usually present on the floor of the mouth behind the tongue. The lower sides are red during spawning season (FWP). In Montana both pure and moderately hybridized populations of westslope cutthroat trout have a high incidence of basibranchial teeth, whereas pure rainbow trout lack these teeth. The presence of basibranchial teeth in some individuals of a rainbow trout population indicates hybridization with westslope cutthroat trout (Leary et al. 1996).

It can be difficult to visually distinguish westslope from other cutthroat trout subspecies, but the westslope cutthroat trout tends to have more small spots by the tail and none by the pectoral fin and the fish is more of a silvery or greenish color. The only way to be certain about identification of this subspecies is by genetic testing (AFS website 2003).

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## EXHIBIT A-5

David Ohnstad

**From:** David Ohnstad  
**Sent:** Thursday, January 17, 2008 11:29 AM  
**To:** John Lavey  
**Cc:** 'Howard Anderson'; 'applebury@cybernet1.com'  
**Subject:** FW: Adams Acres Prelim Review Completion  
**Attachments:** Prelim Review Completion 010408.pdf

RECEIVED  
JAN 17 2008  
LC-08-01-63  
Ravalli County Planning Dept.

John -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design, with note specifically of Items 1 and 2 of the consulting engineer's comments regarding stormwater design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Friday, January 04, 2008 11:38 AM  
**To:** David Ohnstad  
**Subject:** Adams Acres Prelim Review Completion

We have completed the preliminary review for Adams Acres. Please find our completion memo attached. A copy of the memo with all referenced attachments is being mailed.

**Cindy Kuns**  
Project Assistant



P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmgroup.com>

1/17/2008





**DATE:** January 4, 2008

**TO:** David Ohnstad, Ravalli County Road & Bridge Department

**FROM:** Jeremy W. Keene, P.E.

**RE:** Adams Acres Preliminary Review Completion

---

Based on additional information received from the design engineer on December 17, 2007, the remaining preliminary review comments have been addressed. The following inconsistencies in the storm water report, which were noted in previous reviews, were not addressed. Because these do not appear to affect the design, we are recommending preliminary approval on behalf of the Ravalli County Road and Bridge Department (RCRBD).

1. Finished floor elevations provided in section 10.0 of the storm water report do not match the site plans provided.
2. Section 15.0 of the storm water report indicates that the flow for the 10-year storm is less than the 2-year storm. The rainfall intensity used for the 10-year, 1-hour storm is incorrect.

If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following correspondence with this letter:

- 1) Preliminary comments from WGM Group, dated 3/14/07
- 2) Comment response from Specialized Engineering, dated 3/26/07
- 3) WGM Group email, dated 5/3/07
- 4) Comment response from Specialized Engineering, dated 5/11/07
- 5) Comment response from WGM Group, dated 5/31/07
- 6) Letter from Specialized Engineering, dated 6/19/07
- 7) Letter from Specialized Engineering, dated 7/3/07
- 8) Comment response from WGM Group, dated 7/30/07
- 9) Comment response from Specialized Engineering, dated 9/13/07
- 10) Comment response from WGM Group, dated 10/4/07

- 11) Comment response from Specialized Engineering, dated 10/12/07
- 12) Letter from Specialized Engineering, dated 12/13/07

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.

SEP 13 2005

## EXHIBIT A-6

**H**amilton  
Rural Fire  
DISTRICT*Consensus of All Valley Fire Council.*  
Ravalli County Planning Dept.  
IC-05-09-1707  
Post Office Box 1994 Hamilton, MT 59840**FIRE PROTECTION STANDARDS**

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

**ACCESS ROADS**

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

| Distance Between Buildings | Needed Fire Flow |
|----------------------------|------------------|
| More than 100'             | 500 gpm          |
| 31 - 100'                  | 750 gpm          |
| 11 - 30'                   | 1,000 gpm        |
| 10' or less                | 1,500 gpm        |

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

## Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

### EXHIBIT A-7

| School            | Total Budget | Students October Count | Budget Per Pupil |
|-------------------|--------------|------------------------|------------------|
| Corvallis         | 9,246,716    | 1,413                  | 6,544            |
| Stevensville Elem | 4,313,675    | 615                    | 7,014            |
| Stevensville HS   | 3,844,872    | 426                    | 9,026            |
| Hamilton          | 10,696,135   | 1,616                  | 6,619            |
| Victor            | 2,354,712    | 349                    | 6,747            |
| Darby             | 3,918,507    | 435                    | 9,008            |
| Lone Rock Elem    | 2,010,732    | 301                    | 6,680            |
| Florence          | 6,004,225    | 898                    | 6,686            |

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

| School            | Total Tax Except Capital | Students October Count | County & State Levy* | Tax Levy Per Pupil Exc Capital | Total Capital | Per Pupil Tax Capital | Total Tax Levy Inc Capital | Tax Levy Per Pupil Inc Capital |
|-------------------|--------------------------|------------------------|----------------------|--------------------------------|---------------|-----------------------|----------------------------|--------------------------------|
| Corvallis         | 1,894,368                | 1,413                  | 941,511              | 2,007                          | 166,126       | 117.57                | 3,002,005                  | 2,125                          |
| Stevensville Elem | 1,077,017                | 615                    | 412,448              | 2,422                          | 120,541       | 196.00                | 1,610,006                  | 2,618                          |
| Stevensville HS   | 818,794                  | 426                    | 329,287              | 2,695                          |               |                       | 1,148,081                  | 2,695                          |
| Hamilton          | 2,714,396                | 1,616                  | 1,050,013            | 2,329                          | 909,210       | 562.63                | 4,673,619                  | 2,892                          |
| Victor            | 468,192                  | 349                    | 202,861              | 1,923                          | 297,013       | 851.04                | 968,066                    | 2,774                          |
| Darby             | 1,022,738                | 435                    | 371,211              | 3,204                          |               | 0.00                  | 1,393,949                  | 3,204                          |
| Lone Rock Elem    | 432,039                  | 301                    | 223,920              | 2,179                          | 102,211       | 339.57                | 758,170                    | 2,519                          |
| Florence          | 1,234,419                | 898                    | 776,153              | 2,239                          | 24,542        | 27.33                 | 2,035,114                  | 2,266                          |

NOTE: \* County levied Retirement and Transportation

BIG SKY DISTRICT  
GROWTH MANAGEMENT

## EXHIBIT A-8

RECEIVED

JUN 13 2007

Ravalli County Planning Dept.



1C-07-06-729

June 8, 2007

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District

841 S 26<sup>TH</sup> STREET  
BILLINGS, MT 59101-9334  
PHONE 406-657-5710  
FAX: 406-657-5788  
EMAIL MIKE.WYRWAS@USPS.GOV

Randy Ffrick

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**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Ffrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Ffrick [mailto:rffrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007